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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF THE **NEW PCT NATIONAL PHASE PATENT APPLICATION**

OF: Takuya SUNAGAWA et al. | USPS EXPRESS MAIL

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FOR: Nonaqueous Electrolyte Secondary Battery

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SECOND PRELIMINARY AMENDMENT

Dear Sir:

After calculating the filing fee, but before the first examination, please amend the above identified application as follows.

Referring to the Literal Translation of International Application PCT/JP00/00731

In the Claims:

Please cancel claims **1, 2, 11** and **12.**

Claims **3 to 10**, and **13 to 24** have previously been cancelled in applicants' First Preliminary Amendment.

Please enter new claims **25 to 47** as follows.

25. (new) A nonaqueous electrolyte secondary battery characterized as using a mixture of a first oxide and a

second oxide for its positive electrode material, said first oxide being a spinel oxide consisting substantially of lithium, manganese, a metal other than manganese, and oxygen, and said second oxide being represented by the compositional formula $Li_aM2_bNi_cCo_dO_2$ (where M2 is at least one element selected from the group consisting of Al, Mn, Mg and Ti, $0 < a < 1.3$, $0.02 \leq b \leq 0.3$, $0.02 \leq d/(c + d) \leq 0.9$ and $b + c + d = 1$).

26. (new) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that said first oxide is an oxide derived via substitution of other element for a part of manganese in a lithium-manganese complex oxide.

27. (new) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that said first oxide is a lithium-manganese complex oxide represented by the compositional formula $Li_xMn_{2-y}M1_yO_{4+z}$ (where M1 is at least one element selected from the group consisting of Al, Co, Ni, Mg and Fe, $0 \leq x \leq 1.2$, $0 < y \leq 0.1$ and $-0.2 \leq z \leq 0.2$).

28. (new) The nonaqueous electrolyte secondary battery as recited in claim 27, characterized in that M1 in the first oxide's compositional formula $Li_xMn_{2-y}M1_yO_{4+z}$ is at least one of Al and Mg.

29. (new) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that M2 in the second oxide's compositional formula $Li_aM2_bNi_cCo_dO_2$ is Mn.

30. (new) The nonaqueous electrolyte secondary battery as recited in claim 29, characterized in that $0.1 \leq d/(c + d) \leq 0.5$ is satisfied in the second oxide's compositional formula $Li_aM2_bNi_cCo_dO_2$.

31. (new) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that said first and second oxides are mixed in the ratio by weight of 20:80 - 80:20.

32. (new) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that said first oxide has a mean particle diameter of 5 - 30 μm.

33. (new) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that said second oxide has a mean particle diameter of 3 - 15 μm.

34. (new) A nonaqueous electrolyte secondary battery characterized as using a mixture of a first oxide, a second oxide and a third oxide for its positive electrode material, said first oxide being a spinel oxide consisting substantially of lithium, manganese, a metal other than manganese, and oxygen, said second oxide being different